



**APPROVED MINUTES  
CITY OF SCOTTSDALE  
CHARTER REVIEW TASK FORCE**

**MONDAY, NOVEMBER 16, 2009**

**CITY HALL KIVA  
3939 N. DRINKWATER BOULEVARD  
SCOTTSDALE, AZ 85251**

**PRESENT:** Steven J. Twist, Chair  
Susan Bitter Smith  
Jim Derouin  
Cindi Eberhardt  
Alan Kaufman  
Charlie Smith  
Lisa Johnson Stone

**STAFF:** Carolyn Jagger, City Clerk  
Sherry Scott, Deputy City Attorney  
Brent Stockwell, Senior Advisor

**Call to Order/Roll Call**

Chairman Twist called the Charter Review Task Force regular meeting to order at 5:01 p.m. Roll call confirmed the presence of Task Force members as noted.

**1. Approval of Minutes from October 26, 2009 and November 2, 2009**

**MOTION AND VOTE:**

ALAN KAUFMAN MOVED APPROVAL OF OCTOBER 26, 2009 MINUTES, CINDI EBERHARDT SECONDED. MOTION PASSED 7-0. CINDI EBERHARDT MOVED APPROVAL OF THE NOVEMBER 2, 2009 MINUTES AS AMENDED BY CHAIRMAN TWIST, SUSAN BITTER SMITH SECONDED, MOTION PASSED 7-0.

**2. Public Comment**

There was no public comment.

### 3. Discussion and possible action regarding recommendations to the City Council regarding possible amendments to the Scottsdale City Charter

Brent Stockwell reviewed agenda packet documents and presented an expanded matrix showing the appointment and reporting requirements for charter officers, as well as residency information comparing the model city charter with other major Arizona cities. Mr. Stockwell also presented a consolidated version of the charter officer section that included all Task Force's recommendations to date and language outlining the powers and duties of charter officers.

There was discussion on the documents presented by Mr. Stockwell.

Treasurer David Smith presented his recommendations to the Task Force on the Treasurer position.

Chairman Twist asked Sherry Scott if she felt the treasurer duties proposed in amendments to Section 3 were consistent with the duties the City Council outlined for this position. Ms. Scott affirmed they were.

#### MOTION:

JIM DEROUIN MOVED APPROVAL OF THE CHANGES TO ARTICLE 2, SECTION 4 BE AMENDED AS FOLLOWS, ACCOMPANIED BY THE DELETION OF ARTICLE 2, SECTION 9 AS PRESENTED. SECONDED BY SUSAN BITTER SMITH.

"Article 2, Sec. 4. Qualifications.

The mayor and councilmen shall be qualified electors of the city and shall hold no other public office which in any way conflicts with the office of mayor or councilman, and shall have resided in said city, or in an area annexed to said city, for one (1) year next preceding the date of such election or appointment. If the mayor or a council shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his office shall immediately become vacant. THE COUNCIL, AS PROVIDED BY ORDINANCE, SHALL BE THE JUDGE OF THE ELECTION AND THE QUALIFICATIONS, OF ITS MEMBERS AND FOR SUCH PURPOSE SHALL HAVE POWER TO SUBPOENA WITNESSES AND REQUIRE THE PRODUCTION OF RECORDS, BUT THE DECISION OF THE COUNCIL IN ANY SUCH CASE SHALL BE SUBJECT TO REVIEW BY THE COURTS.

~~Sec. 9. Council to be judge of qualifications of its members.~~

~~The council, AS PROVIDED BY ORDINANCE, shall be the judge of the election and THE qualifications, PURSUANT TO SECTION 4, of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the council in any such case shall be subject to review by the courts."~~

Jim Derouin spoke about the ethics code and its potential implications to the proposed amendment language of this section.

#### VOTE:

MOTION PASSED 7-0

The Task Force discussed changes to Article 2, Section 6, relating to duties of the mayor and provided direction to staff. Staff will research further and bring back background information and revised language at the next meeting.

The Task Force discussed Article 2, Section 17 – Interference in administrative service.

MOTION AND VOTE:

CHARLIE SMITH MOVED THAT CHANGES TO ARTICLE 2, SECTION 17 BE APPROVED AS PRESENTED. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.

“Sec. 17. Interference in administrative service.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY officers and employees in the administrative service of the city. Except for the purpose of inquiry, the council and its members shall deal with SUCH EMPLOYEES the administrative service solely through the city manager OFFICER, and neither the council nor any member thereof shall give orders to any subordinates of the city manager SUCH EMPLOYEE, either publicly or privately. Nothing in this section shall be construed, however, as prohibiting the council while in open sessions from fully and freely discussing with or suggesting to the city manager ANY OFFICER OF THE CITY anything pertaining to city affairs or the interests of the city.”

The Task Force discussed possible amendments to Article 2, Article 3 and Article 4 relating to officers of the city.

There was discussion on proposed language and the difference between a public hearing and a public meeting, as well as how these types of meetings are addressed in the open meeting law.

Chairman Twist asked Ms. Kathy Connolly (from the audience) to speak. Ms. Connolly referenced the severance pay clause and explained its origins. Ms. Connolly recommended making the city manager position unique, as compared to other charter officers, as the city manager is the chief administrative officer of the city. Ms. Connolly clarified the difference between public hearing and public meeting, with regard to removing the city manager. Ms. Connolly stated that a public hearing allows the manager to speak and present his case, while a public meeting does not.

There was discussion as to what *serving at the pleasure of the council* actually means and how this affects employment contract language.

There was extensive discussion on the pros and cons of requiring residency for the city manager as well as other charter officers. The Task Force also discussed the city manager's supervisory control over employees of other charter officers' departments.

MOTION:

SUSAN BITTER SMITH MOVED, ALAN KAUFMAN SECONDED THAT THE FOLLOWING LANGUAGE BE ADDED TO ARTICLE 3, SECTION 1. MOTION PASSED 6-1 (CHARLIE SMITH).

“OFFICERS OF THE CITY SHALL BECOME RESIDENTS OF THE CITY WITHIN SIX

(6) MONTHS AFTER THE START OF THEIR EMPLOYMENT.”

Charlie Smith stated that he would vote against this motion because there is no flexibility for the City Council when there are extenuating circumstances.

VOTE:

MOTION PASSED 6-1 (CHARLIE SMITH)

There was discussion about combining all five “officers of the city” into one article, and standardizing requirements applicable to all positions. In addition, there was discussion about adding a sentence at the beginning of the article to define which positions were “officers of the city.”

MOTION AND VOTE:

SUSAN BITTER SMITH MOVED AND CHARLIE SMITH SECONDED THAT ARTICLE 3 BE AMENDED AS FOLLOWS. MOTION PASSED 7-0.

“Article 3: ~~The City Manager~~ OFFICERS OF THE CITY

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Sec. 1. ~~Appointment of city manager.~~ GENERAL PROVISIONS.

~~The council shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this charter provided.~~

THE COUNCIL SHALL APPOINT AS OFFICERS OF THE CITY THE FOLLOWING: CITY MANAGER, CITY TREASURER, CITY CLERK, CITY ATTORNEY AND CITY AUDITOR. THE COUNCIL SHALL SET COMPENSATION FOR OFFICERS OF THE CITY WHO COLLECTIVELY SHALL BE RESPONSIBLE TO MANAGE THE AFFAIRS OF THE CITY, REPORT DIRECTLY TO COUNCIL, SERVE AT THE PLEASURE OF COUNCIL, AND HAVE THE POWERS AND PERFORM THE DUTIES IN THIS CHARTER PROVIDED. EACH OFFICER OF THE CITY SHALL APPOINT AND, WHEN NECESSARY, REMOVE EMPLOYEES OF THEIR RESPECTIVE OFFICES, AS PROVIDED BY CITY ORDINANCES AND FORMALLY ADOPTED POLICIES.”

MOTION AND VOTE:

JIM DEROUIN MOVED TO STRIKE THE LANGUAGE RELATING TO COMBINING OFFICES IN ARTICLE 3, SECTION 1. ALAN KAUFMAN SECONDED. MOTION PASSED 7-0.

~~“WHERE THE POSITIONS ARE NOT INCOMPATIBLE, THE COUNCIL MAY COMBINE IN ONE PERSON THE POWERS AND DUTIES OF TWO OR MORE OFFICERS CREATED OR AUTHORIZED BY THIS CHARTER.”~~

MOTION:

CHARLIE SMITH MOVED THAT THE NEXT THREE PARAGRAPHS BE APPROVED AS PRESENTED. SUSAN BITTER SMITH SECONDED.

“OFFICERS OF THE CITY SHALL BE CHOSEN BY THE COUNCIL ON THE BASIS OF QUALIFICATIONS WITH SPECIAL REFERENCE TO ACTUAL EXPERIENCE IN, OR KNOWLEDGE OF, ACCEPTED PRACTICE IN RESPECT TO THE DUTIES OF THE OFFICE AS SET FORTH IN THIS CHARTER.

IT SHALL BE THE DUTY OF EACH OFFICER TO PERFORM ALL SERVICES REQUIRED OF THEIR RESPECTIVE POSITIONS.

THE COUNCIL SHALL APPROVE THE APPOINTMENT OF ACTING

OFFICERS IN THE EVENT AN OFFICER IS ABSENT FROM THE CITY, IS UNABLE TO PERFORM HIS DUTIES, IS SUSPENDED BY THE COUNCIL, OR IF THERE IS A VACANCY IN THE OFFICE.”

Discussion took place to clarify the proposed amendments further.

VOTE:

MOTION PASSED 7-0.

Jim Derouin expressed the need to use *formally adopted* before the word policies. There was discussion to clarify this language.

MOTION AND VOTE:

SUSAN BITTER SMITH MOVED ADDING THE WORDS “FORMALLY ADOPTED” IN FRONT OF THE WORD “POLICIES” AT THE END OF THE FIRST PARAGRAPH IN ARTICLE 3. JIM DEROUIN SECONDED. MOTION PASSED 7-0.

There was clarification of current severance pay practice in City employment contracts.

Chairman Twist asked Sherry Scott if severance pay terms are at the discretion of the Council. Sherry Scott explained that currently we put severance pay in the employee contract at the beginning of the employment agreement. Ms. Scott feels its best to leave severance pay language and terms in the employment agreement as entered into by the Council at the time of employment contract.

Charlie Smith restated the three available options for amendment language to this section as being: 1) retain and leave the way it is, 2) retain it and apply to City Manager position only, and 3) retain and apply to all charter officers. There was discussion on applying the public hearing and severance pay language to all charter officer positions or just applying them to the city manager’s position.

Charlie Smith stated that he feels it would be wrong to remove the language allowing a public hearing for a city manager. He felt that the city manager position should be treated differently than the other charter officer positions.

Brent Stockwell explained that, in the current charter, the issue is not whether the city manager continues to serve but rather whether the city manager gets a public hearing, allowing him to comment about the termination. Mr. Stockwell affirmed that a public hearing would allow a public setting for a city manager to make their case and state their opinions or comments about the action of termination.

Jim Derouin gave an overview of the public hearing option from his experience in working with public school districts. Mr. Derouin stated that public hearings should probably be allowed for all charter officer positions in the event of termination.

MOTION:

JIM DEROUIN MADE A MOTION TO ALLOW PUBLIC HEARINGS AT TERMINATION AND ALLOW IT FOR ALL FIVE CHARTER OFFICER POSITIONS AND INSERTED IN SECTION 1. LISA JOHNSON SECONDED.

“ANY OFFICER OF THE CITY MAY WITHIN TEN (10) DAYS FROM THE DATE OF A VOTE OF REMOVAL, REQUEST A PUBLIC HEARING TO BE HELD NOT LATER THAN THIRTY (30) DAYS THEREAFTER.”

Chairman Twist asked Sherry Scott for her opinion as to what the fair construction of a public hearing would be if the charter does not elaborate on it. Sherry Scott responded that the fair

construction would be that the charter officer in question would have the ability to speak and perhaps, present materials at that hearing, and that any member of the public would be able to speak as well.

Cindi Eberhardt stated she agrees with Alan Kaufman and feels holding a public hearing after an officer has been terminated seems moot. Ms. Eberhardt asked if there was a way to offer a hearing prior to a termination.

Ms. Scott explained that the Task Force could propose language to allow a 10-day notice of possible termination to allow a public hearing to take place before the Council terminates a charter officer. Ms. Scott offered to review the language and bring it back to the Task Force at the next meeting

There was extensive discussion and clarification of the current and proposed requirements on public hearings and open meetings, as well as the posting of public notices of these meetings.

VOTE:

MOTION PASSED 6-1(ALAN KAUFMAN)

Chairman Twist asked the Task Force members to address the proposed amendments to Sections 2 and 3 and asked Brent Stockwell to clarify the deletion of a bullet point stating the city manager would supervise the purchasing for all departments of the city. Mr. Stockwell stated this was an amendment provided to him, which suggested that the issue could be addressed by ordinance rather than in the charter. Chairman Twist stated that he was not sure that this phrase should be deleted in the charter. Mr. Stockwell added the statement back in to the proposed language.

Charlie Smith agreed with Chairman Twist and stated that it seemed inefficient to not have the city manager oversee this area of the city with regard to implementing the city's budget.

Mr. Smith further requested that someone explain the definition of "operating" as it was written in this section. Brent Stockwell explained this language came from Interim Treasurer David Smith. Chairman Twist asked Mr. Smith to explain his thinking with regard to using operations in the amendment language. Mr. Smith explained the previous language seemed inarticulate, so he was trying to combine or coordinate with what was stated in other places in the charter. Mr. Smith noted that he believes you would not want the city manager reporting on the affairs of the other charter officers.

Charlie Smith stated that he had a problem with this language and believed that the city manager should be reporting on all affairs of the city that he wishes to report on. Mr. Charlie Smith stated that he felt awkward about the language, noting that it seemed like an attempt to limit what the city manager reports on.

Chairman Twist stated that he understood Mr. David Smith's comments but did not believe the term *operating* is clear enough for the charter. Chairman Twist suggested saying that the city manager will keep the council apprised at all times on the affairs of the city and make reports as required by the council.

Mr. Charlie Smith explained that this would allow the council to decide what types of reports it wants to get from the city manager and the scope of those reports.

Chairman Twist felt this seemed sufficient for the demands of the charter.

Lisa Johnson stated she that she agreed because the charter has the city manager defined as the chief executive of the administrative branch of the city.

There was further discussion to clarify reporting functions of the city manager to the council.

Susan Bitter Smith agreed purchasing should be retained in charter language and wondered if some wording was redundant in this section.

Cindi Eberhardt stated that because they were putting the city manager position in a more lateral position with the other charter officers, she wondered if it might be a charter violation if the city manager did not report to council on city affairs or operations when he is not aware of them. Ms. Scott stated that it would be difficult to see this as a charter violation if the city manager is doing everything to obtain information from other charter officers but stated it would be challenging if other charter officers weren't required to cooperate in that effort.

There was further discussion to clarify the language.

#### MOTION AND VOTE:

SUSAN BITTER SMITH MOVED TO ADOPT THE PROPOSED CHANGES TO ARTICLE 3, SECTION 2 AND 3 AS SHOWN BELOW. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

~~"Sec. 2. The city manager; qualifications.~~

~~The council shall appoint AS an officer of the city who shall have the title of A city manager and shall have the powers and perform the duties in this charter provided. The city manager shall be chosen by the council on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the city or state, but during his tenure of office he shall reside within the city.~~

~~Sec. 3. City manager; powers and duties.~~

~~The city manager shall be~~ AS the chief executive of the administrative branch of the city government. ~~He~~ THE CITY MANAGER shall be responsible to the council for the proper administration of all affairs of the city, NOT OTHERWISE ASSIGNED BY THIS CHARTER TO ANOTHER OFFICER. ~~and to that end, subject to the provisions of this charter, he~~ THE CITY MANAGER shall have power and shall be required to:

- See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are observed;
- PROVIDE FOR THE AppointMENT and ~~when necessary for the good of the service~~ removeAL OF all officers and employees of the city, except as otherwise provided by this charter. ~~and except as he~~ THE CITY MANAGER may authorize the A SUBORDINATE head of a department or office to appoint and remove subordinates EMPLOYEES in such department or office;
- Prepare the annual budget estimates and submit them to the council and be responsible for the administration of the budget after adoption;
- Keep the council advised at all times of the affairs and needs of the city and make reports AS annually, ~~or more frequently if requested~~ REQUIRED by the council, ~~of all the affairs of the city;~~
- Supervise the purchasing for all departments of the city;
- Perform such other duties as may be prescribed by this charter or required ~~of him~~ by the council, not inconsistent with this charter;



- ~~\* The city manager shall furnish a surety bond to be approved by the council; said bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city."~~

#### MOTION AND VOTE:

CHARLIE SMITH MOVED TO STRIKE SECTIONS 4 AND 5 OF ARTICLE 3. JIM DEROUIN SECONDED. MOTION PASSED 7-0.

~~"Sec. 4. Acting city manager.~~

~~If the city manager is absent from the city, is unable to perform his duties, or is suspended by the council, or if there is a vacancy in the office of the city manager, the council shall appoint an acting city manager to serve until the city manager returns, until his disability or suspension ceases or until another city manager is appointed and qualifies, as the case may be.~~

~~Sec. 5. Removal of city manager.~~

~~The council shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. The city manager may within ten (10) days from the date of said vote, request a public hearing to be held not later than thirty (30) days thereafter. Severance pay will be at the discretion of the council. The action of the council in suspending or removing the manager shall be final and conclusive on everyone, it being the intention of this charter to vest all authority and fix all responsibility for such suspension and removal in the council."~~

#### MOTION AND VOTE:

SUSAN BITTER SMITH MOVED TO RENUMBER SECTION 2 TO SECTION 3 WITH THE AMENDMENTS AS PRESENTED. ALAN KAUFMAN SECONDED. MOTION PASSED 7-0.

~~"Sec. 23. City clerk.~~

~~The council shall appoint AS an officer of the city, who shall have the title of A city clerk, and who shall give notice of all council meetings, keep the journal OFFICIAL RECORD of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council."~~

#### MOTION:

ALAN KAUFMAN MOVED THAT SECTION 4 BE AMENDED AS SHOWN ON THE SCREEN. CHARLIE SMITH SECONDED. MOTION PASSED 6-1 (CHARLIE SMITH)

~~"Sec. 4. City treasurer.~~

~~The council shall appoint AS an officer of the city, who shall have the title of A city treasurer, WHO SHALL BE THE CHIEF FINANCIAL OFFICER OF THE CITY, who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served PREPARE THE OFFICIAL FINANCIAL AND ACCOUNTING RECORDS OF THE CITY. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city."~~



Charlie Smith stated that he would vote against the motion. Mr. Smith strongly believes the motion creates a move toward a strong council-type of management rather than the council-manager form of government offered in the model city charter. Here the charter clearly defines this area as being under the city manager and he strongly believes this city should not move in the direction of strong council management of the city.

Jim Derouin wanted to give another viewpoint and used the Enron example of where senior executives wired around the attorneys and risk management staff so they could not provide advice to senior management. Mr. Derouin empathized with the desire of the council to have an independent voice to consult with on issues. Mr. Derouin stated that he has seen bad things happen in the private sector when you don't have independent voices and everything comes through one source. Mr. Derouin stated that this is the reason why he supports this amendment language. He doesn't see it as having anything to do with the strength of the city manager or the council, he just sees openness and additional debate, discussion, and sources of information are valuable tools to make sure that things run appropriately.

Susan Bitter Smith stated she supports the motion to get this issue and charter language out in front of the voters to see what they want, and she doesn't think there has been enough public input or debate on this issue.

Chairman Twist asked for clarification from Brent Stockwell on what the consequences would be for removing the bond requirement language from the charter. Brent Stockwell explained the origins of this issue and that the practice has changed as to how the city handles the need for a surety bond. Mr. Stockwell explained that the city currently purchases crime insurance to protect themselves from criminal acts by officers of the city, which negates the need for a surety bond. Mr. Stockwell stated that this change is consistent with the Task Force's charge from the City Council to eliminate obsolete provisions from the charter.

Cindi Eberhardt stated that she agrees with Susan Bitter Smith as to the importance of getting the public to weigh in on this issue, as well as vote on it. Ms. Eberhardt questioned what the City would do if this provision were not passed by voters. Ms. Eberhardt explained that the Task Force has begun to operate and make changes based on this charter provision being voter approved.

Chairman Twist explained that this language would simply conform the charter to what the council, under advice from the city attorney's office, has already determined to be within the scope of treasurer's authority under the current charter, so it's a clarification not a change. Chairman Twist asked for Sherry Scott's clarification on this issue. Sherry Scott stated that she believes it would mean that the charter as it relates to the City Treasurer, would remain the same.

There was extensive discussion to clarify types of expansion allowed under the role of the Treasurer and how the city would handle the situation if citizens vote against this provision.

Charlie Smith stated that he will vote against this provision and stated he will make a motion to offer another option to the voters of Scottsdale. Chairman Twist asked that he hold his motion until after the vote of the motion currently on the floor.

VOTE:

MOTION PASSED 6-1(Smith)

MOTION:

CHARLIE SMITH PROPOSED THE FOLLOWING MOTION BE PLACED ON THE BALLOT AS AN ALTERNATIVE TO THE PREVIOUS MOTION. MOTION FAILED FOR LACK OF A SECOND.

~~"The council CITY MANAGER shall appoint A an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council CITY MANAGER."~~

#### MOTION AND VOTE:

JIM DEROUIN MOVED THAT THE PROPOSED AMENDMENTS TO SECTION 5 CITY ATTORNEY BE ACCEPTED. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.

"Sec. 5. City attorney.

~~The council shall appoint AS AN OFFICER OF THE CITY the A city attorney who shall be the chief legal advisor TO THE COUNCIL AND of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council."~~

#### MOTION

JIM DEROUIN MOVED THAT THE PROPOSED AMENDMENTS TO SECTION 6 – CITY AUDITOR BE ACCEPTED AS SHOWN BELOW. SUSAN BITTER SMITH SECONDED.

"Sec. 6. ~~Internal~~ CITY auditor.

~~The city council shall have the authority to appoint AS AN OFFICER OF THE CITY an internal A CITY auditor to examine and verify such city affairs as the council may direct. The auditor shall report directly to the council. THE CITY AUDITOR SHALL HAVE THE AUTHORITY TO CONDUCT FINANCIAL AND PERFORMANCE AUDITS AND INVESTIGATIONS OF ALL ACTIVITIES OF THE CITY IN ACCORDANCE WITH APPLICABLE GOVERNMENT AUDITING STANDARDS, AND SHALL BE PROVIDED FREE AND OPEN ACCESS, EXCEPT AS LIMITED BY LAW, TO ALL CITY RECORDS, PERSONNEL, FACILITIES AND INFORMATION NECESSARY TO CARRY OUT THESE DUTIES."~~

Charlie Smith stated that the description of duties of the auditor position seems to have grown substantially and asked if there was some statutory reason for it or if there was something not happening properly within the city that led to the increase in duties? Sharron Walker, City Auditor, stated that there was no statutory reason for expansion. Ms. Walker stated that because the previous description made little reference to the position, there was a need to clarify the powers and duties of the city auditor.

There was extensive discussion on the process the Auditor and Audit Committee use, as well as clarification of the two types of auditing standards used.

#### VOTE:

MOTION PASSED 7-0.

#### **Article 4: Administrative Departments and offices**

#### MOTION AND VOTE:

JIM DEROUIN MOVED THAT THE PROPOSED DELETIONS TO ARTICLE 4, SECTION 1 BE RECOMMENDED TO THE CITY COUNCIL. CINDI EBERHARDT SECONDED. MOTION PASSED 7-0.

"Article 4: Administrative Departments and Offices

Sec. 1. Administrative departments and offices.

The council, by ordinance not inconsistent with this charter, shall provide for the organization, conduct and operation of the several offices and departments of the city as established by this charter, for the creation of additional departments, divisions, offices and agencies and for their consolidation, alteration or abolition.

The council, by ordinance not inconsistent with this charter, may assign additional functions or duties to offices, departments or agencies. ~~Where the positions are not incompatible, the council may combine in one person the powers and duties of two or more offices created or authorized by this charter.~~

The council shall provide the number, titles, qualifications, powers, duties and compensation of all officers and employees of the city. ~~Officers of the city shall become residents of the city within six (6) months after the start of their employment.~~ The city council may by ordinance provide residency requirements for all other city employees."

MOTION AND VOTE:

CINDI EBERHARDT MOVED THAT SECTIONS 2, 3, AND 4 OF ARTICLE 4 BE DELETED BECAUSE THE POSITIONS HAVE BEEN MOVED TO ARTICLE 3. LISA JOHNSON STONE SECONDED. MOTION PASSED 7-0.

~~"Sec. 2. City clerk.~~

~~The council shall appoint an officer of the city, who shall have the title of city clerk, and who shall give notice of all council meetings, keep the journal of the council's proceedings, authenticate by his signature and record in full in books kept for the purposes all ordinances and resolutions, and shall perform such other duties as shall be required by this charter or by ordinances. He will serve at the pleasure of the council.~~

~~Sec. 3. City treasurer.~~

~~The council shall appoint an officer of the city, who shall have the title of city treasurer, and who shall receive and have custody of all the money of the city and shall keep and save said money and dispense the same only as provided by law, and who shall always be bound by the constitution, laws and ordinances and upon whom legal garnishments and demands may be served. He will serve at the pleasure of the council. The city treasurer shall furnish a surety bond to be approved by the city council. Said bond; to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.~~

~~Sec. 4. City attorney.~~

~~The council shall appoint the city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official powers and duties. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter or by ordinance. He will serve at the pleasure of the council."~~

Discussion took place to clarify the origins of this section relating to the civil service board and available options for updating language or deleting the section completely.

MOTION AND VOTE:

JIM DEROUIN MOVED THAT ARTICLE 4, SECTION 2 BE AMENDED TO THE FOLLOWING LANGUAGE, DELETED FROM ARTICLE 4, MOVED TO ARTICLE 5 AND BECOME A NEW SECTION 2. SECONDED BY CINDI EBERHARDT. MOTION PASSED 7-0.

“SEC. 2. CIVIL SERVICE BOARD

THE CITY COUNCIL SHALL CREATE A CIVIL SERVICE BOARD CONSISTING OF THREE QUALIFIED ELECTORS OF THE CITY TO BE APPOINTED BY THE CITY COUNCIL FOR SIX (6) YEAR TERMS TO PRESCRIBE, AMEND AND ENFORCE RULES FOR PERSONNEL HEARINGS AS PROVIDED BY CITY ORDINANCE.”

It was agreed to continue discussion regarding Article 5, Appointive Boards and Commissions at this time. There was discussion of the residency requirement for board and commission members and the possible need for a waiver of residency for members of some boards.

Brent Stockwell clarified how some boards and commissions have members that are not citizens of Scottsdale. Mr. Stockwell explained that there are instances where the city requires input from business owners or business advisory groups for ad hoc working groups or advisory groups. Susan Bitter Smith pointed out that the City Council has found ways of addressing this within the current charter provisions and authority, and as a result there is no need to make further changes to this Article. Discussion ensued regarding the last sentence in Section 1 and the first sentence in Section 2, and it was agreed that they were obsolete.

MOTION AND VOTE:

CINDI EBERHARDT MOVED AMEND ARTICLE 5, SECTION 1 BY DELETING THE LAST SENTENCE. SUSAN BITTER SMITH SECONDED. MOTION PASSED 7-0.

“Article 5: Appointive Boards, and Commissions

Sec. 1. Appointive boards, and commissions.

The council may by ordinance create, change, and abolish boards or commissions in its judgment are required, or as are now or hereafter provided by law and may grant to them such power and duties as are consistent with the provisions of this charter.

All members of appointive boards or commissions shall at the time of their appointment be a resident of the city, and shall maintain this residency for the duration of their term in office.

No member of a board, or commission shall serve for more than six consecutive years on that board, or commission. ~~This provision shall apply to all appointments to boards or commissions made on or after March 1, 1988.~~”

MOTION AND VOTE

MOVED TO AMEND ARTICLE 5 BUT STRIKING EXISTING SECTION 2. SECONDED BY CINDI EBERHARDT. MOTION PASSED 7-0.

~~Sec. 2. Mayor and city manager ex officio members.~~

~~The mayor and city manager shall be ex officio members without voting privileges, of all boards and commissions.~~

There was discussion with Presiding Judge Monte Morgan about his proposed changes to Article 11 relating to the City Court. After discussion, the Task Force agreed to continue discussion on Article 11 relating to the City Court to the next meeting.

Discuss possible recommendations for amendments to Article 2 changing the method of selection of council members from at large to district.

Sonnie Kirtley asked that the Task Force members not consider changing to the district system of representation. Ms. Kirtley gave a list of reasons for not changing to the district system and provided Task Force members with a handout of the listed reasons.

Patty Badenoch expressed her concerns about a change to the district system and asked that the Task Force not change to the district system.

Susan Bitter Smith explained the many different sides of this issue and expressed a need to put this issue before our current council members for discussion and to gauge their potential interest in pursuing it further.

Discussion took place on the issue of district representation on the council and Task Force members expressed their viewpoints for and against districting in Scottsdale.

The Task Force members decided to extend discussion of the districting issue to the next meeting and invited citizens to attend the next meeting to express their opinions on this issue or submit comments through the City's website.

#### **4. Review, discuss, and possibly amend draft agenda for November 30, 2009 meeting**

After discussion, the Task Force agreed that the order of topics for the next meeting would be:

- Discuss changes to Article 11, The City Court
- Discuss changing selection of council members from at-large to district
- Discuss the items from Article 2 and 3 that staff committed to bring back for further discussion, including the duties of the mayor.
- Discuss changes to Article 6, Finance and Taxation
- Discuss changes to Article 7, Ordinances and Resolutions
- Discuss changes to Article 8, Contracts

With no further business to discuss, the meeting was adjourned at 9:52 p.m.

**SUBMITTED BY:**

Linda Pellegrini  
Administrative Secretary

**REVIEWED BY:**

Brent Stockwell  
Senior Advisor

Officially approved by the Charter Review Task Force on Monday, November 30, 2009.